IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 495 OF 1995

Navnath Jagannath Mirgane ... . Petitioner.
V/s
The State of Maharashtra & Ors..... ....
Respondents.

Mr.S.G.Kudle, Adv. For the petitioner

Mr.S.R.Nargolkar, AGP for Respondent Nos. 1 and 2.

Mr.Nitin Jamdar, for respondent No.3.

CORAM: V.G. PALSHIKAR,

Ag.C.J.

AND

SMT.NISHITA MHATRE,

J.

13.02.2006.

PC:

By this petition the petitioner claims a direction directing respondent No.1 to revoke recognition granted in favour of respondent No.3 and that respondent No.1 be further directed to issue necessary orders in this regard. Interim order is also sought. Rule was granted and the matter was pending final hearing. Therefore Civil Application was filed by the petitioner claiming certain reliefs, that was Civil Application No.6711 of 1995 in Writ Petition No.495 of 1995 seeking appropriate interim relief and the following order was made by this Court :

> “Despite several adjournments granted for filing affidavit in reply, no affidavit has been filed, though respondent No.3 has been duly served, no appearance is caused to be filed on its behalf. Averments made in the application have, therefore, gone unrebutted. In the circumstances, rule is made absolute in terms of prayer clause (b). Costs of the application will abide by the costs in the main petition.
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> Prayer clause (b) reads as under :
>
> This Hon'ble Court further be pleased to declare that the petitioner's New English School is recognised School and accordingly, be permitted to run the school at village Vadshinge, Tal. Madha, Dist. Solapur pending the hearing and final disposal of this petition.”

It will thus be seen that by the above quoted order the petitioner is accordingly recognized. Subsequently the petitioner has also been given full grants under the grants-in-aid scheme.

2. Submission however is made that the recognition granted to respondent No.3 is liable to be quashed alleging certain malafides in the petitioners. However the person against whom malafides are alleged is not before the Court by way of being impleaded as party-respondent. We therefore need not go into that aspect. Writ Petition No.495 of 1995 is therefore liable to be disposed and it is accordingly disposed of in view of the

order made on Civil Application No.6711 of 1995.